

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

VLAD LYUBOVNY p/k/a/ "DJ VLAD,"

Plaintiff,

—against—

WILLIAM LEONARD ROBERTS II p/k/a  
"RICK ROSS,"

Defendant.

USDS SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 5/5/09

08 Civ. 07252 (PGG)

ORDER

PAUL G. GARDEPHE, U.S.D.J.:

It is hereby ORDERED that Defendant Roberts submit a letter brief to the Court explaining his basis for filing a third-party complaint against "Hilton Hotels Corporation, et al." (Letter from Allan Stephen Zamren dated May 1, 2009) This letter should address how Hilton Hotels Corporation might "be liable to [Roberts] for all or part of the claim against [him]," see Fed. R. Civ. P. 14(a), given that the Complaint alleges that Defendant Ross and his associates intentionally assaulted Lyubovny. (See Complaint ¶ 34, alleging that "Defendant Ross and Ross'[s] Accomplices, acting upon the direction and behest of Ross, without just cause or provocation did intentionally, willfully, maliciously and unjustifiably brutally assault, batter, and strike Plaintiff, about his head and body, causing serious personal injuries.") In other words, Defendant is directed to address how, as a matter of law, Hilton Hotels Corporation could be liable to Defendant for an intentional assault committed by Defendant and his associates. This submission shall be no more than ten pages in length and shall be submitted to the Court via fax, with a simultaneous copy to opposing counsel, no later than 5:00 p.m. on May 11, 2009. It is further

ORDERED that the answer in the above-captioned action shall be filed no later than 5:00 p.m. on May 18, 2009. It is further

ORDERED that the July 8, 2009 status conference in this action is adjourned until July 31, 2009 at 10:00 a.m. in Courtroom 18B of the United States Courthouse, 500 Pearl Street, New York, New York. It is further

ORDERED that fact discovery in the above-captioned action shall close by August 21, 2009 and expert discovery shall close by September 21, 2009. It is further

ORDERED that the parties shall adhere to the following dispositive motion schedule:

(1) If there is not expert discovery in this action:


- (a) Parties must serve moving papers, if any, by September 21, 2009.
- (b) Parties must serve opposition papers, if any, by October 5, 2009.
- (c) Parties must serve reply papers, if any, by October 12, 2009.

(2) If there is expert discovery in this action:

- (a) Parties must serve moving papers, if any, by October 21, 2009.
- (b) Parties must serve opposition papers, if any, by November 4, 2009.
- (c) Parties must serve reply papers, if any, by November 11, 2009.

Dated: New York, New York  
May 4, 2009

SO ORDERED.

  
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Paul G. Gardephe  
United States District Judge